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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 John Randall Ottley, et al.,

10 Plaintiffs,

11 v.

12 Arizona Game and Fish Commission, et al.,

13 Defendants.  
14

No. CV-22-01087-PHX-DWL

**ORDER**

15 This is a civil rights action brought by three *pro se* plaintiffs. The Court previously  
16 accepted Judge Fine’s report and recommendation (“R&R”) that the claims of one of those  
17 plaintiffs, Anthony Covell, be dismissed without prejudice due to Covell’s failure to notify  
18 the Court of his change of address and failure to comply with LRCiv 83.3(d). (Docs. 11,  
19 12.) Now pending before the Court is another R&R from Judge Fine, this one  
20 recommending that the claims of the remaining two plaintiffs, John Randall Ottley and  
21 James Virgil Harvey, be dismissed without prejudice for failure to timely serve Defendants  
22 and failure to comply with court orders. (Doc. 13 at 10.) The R&R further provided that  
23 “[t]he parties shall have fourteen days from the date of service of a copy of this [R&R]  
24 within which to file specific written objections with the Court. . . . Failure to file timely  
25 objections to the [R&R] may result in the acceptance of the [R&R] by the District Court  
26 without further review.” (*Id.* at 11.)

27 Here, no such objections have been filed and the time to object has expired. Thus,  
28 the Court accepts Judge’s Fine recommendation. *See, e.g., Thomas v. Arn*, 474 U.S. 140,

1 149-50 (1985) (“It does not appear that Congress intended to require district court review  
2 of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when  
3 neither party objects to those findings.”); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226  
4 (D. Ariz. 2003) (“[N]o review is required of a magistrate judge’s report and  
5 recommendation unless objections are filed.”). *See also United States v. Reyna-Tapia*, 328  
6 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he district judge must review the magistrate judge’s  
7 findings and recommendations *de novo if objection is made*, but not otherwise.”).

8 Accordingly,

9 **IT IS ORDERED** that:


10 1. The R&R (Doc. 13) is **adopted**.

11 2. All the unserved Defendants are **dismissed without prejudice** for failure to  
12 timely serve pursuant to Fed. R. Civ. P. 4(m).

13 3. This matter is **dismissed without prejudice** for Plaintiffs Ottley and  
14 Harvey’s failure to comply with Court orders.

15 4. The Clerk shall enter judgment accordingly and terminate this action.

16 Dated this 29th day of November, 2022.

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21 Dominic W. Lanza  
22 United States District Judge  
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